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EXAMINER	
CRAWLEY, TALIA F	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/509,771	BEARDOW, PAUL ROWLAND	
	Examiner	Art Unit	
	TALIA CRAWLEY	4176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *September 28,2004 (Preliminary Amdt)*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *34-81* is/are pending in the application.

4a) Of the above claim(s) *none* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *34-81* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *September 28, 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20080212 20050701 20040928*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure:

> The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

2. The abstract of the disclosure is objected to because it exceeds the maximum allowable length of 150 words. Correction is required. See MPEP § 608.01(b).

3. The spacing of the lines of the specification is such as to make reading difficult. New application papers with lines 1½ or double spaced on good quality paper are required.

4. The specification is objected to because it does not contain section headings as required by 37 CFR 1.77(c). The appropriate heading should appear, in upper case, without underlining or bold type, before each section of the specification. Correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 34-42, 45-50, 52-55, 58, 59, 62-70, 75, 76, and 79 are rejected under 35 U.S.C. 102(b) as being anticipated by Burke (US Patent No 6,304,855).

In regards to **claim 34**, Burke discloses a method for displaying images of an object, said method including: sending one or more images of the object to a receiver; displaying a first image of the object on a screen, at said receiver, for possible selection, as a background perspective (see for example column 2, lines 31-37); advancing the first image of the object to a foreground perspective on said screen if the image is selected (see in particular column 2, lines 37-38); and providing, in the receiver, at least one other selectably displayable image of a foreground perspective of the selected object (see for example column 2, lines 36-37).

In regards to **claim 35**, Burke discloses a method, according to claim 34, wherein said sending one or more images to a receiver includes sending constructable sets of parts of each image to said receiver and constructing each set of parts to form each image (see in particular column 2, lines 56-59).

In regards to **claim 36**, Burke discloses a method, according to claim 35, wherein said constructable set of parts of each image includes: specification for a wire frame representative of the shape of the object that the image is intended to represent; and specification for the provision on the wire frame of a textured skin representative of the appearance of the object the image is intended to represent (see for example column 6, lines 36-45).

In regards to **claim 37**, Burke discloses a method, according to claim 36, wherein said specification for a wire frame representative of the shape of the object that the image is intended to represent includes specification of the points of a starting mesh and means successively to divide the mesh to provide a frame having the shape of the object (see for example column 8, lines 54-61).

In regards to **claim 38**, Burke discloses a method, according to claim 35, wherein said at least one other selectably displayable image of a foreground view of the object is achievable by viewing the constructed image from a selectable direction (see in particular column 11, lines 11-14).

In regards to **claim 39**, Burke discloses a method, according to claim 34, wherein said at least one other selectably displayable image of a foreground view of the object is

achievable by viewing the constructed image from a selectable distance (see for example column 9, lines 20-22).

In regards to **claim 40**, Burke discloses a method, according to claim 34, wherein said sending one or more images to said receiver includes the provision of a representation of a first photograph of the object (see in particular column 4, lines 36-38).

In regards to **claim 41**, Burke discloses a method, according to claim 40, wherein said providing, in the receiver, at least one other selectably displayable image of a foreground view of the object, includes sending, to the receiver, at least one representation of a second photograph of the object, from a different viewpoint (see for example column 3, lines 65-67; column 4, lines 1-4)

In regards to **claim 42**, Burke discloses a method, according to claim 34, wherein said object is one of a plurality of objects, images of each of the plurality of objects being moveable across a background area until selected for foreground display (see for example column 7, line 67; column 8, lines 1-3).

In regards to **claim 45**, Burke discloses a method, according to claim 34, including providing, in said receiver, a fixed program of display which accepts, displays, moves

and allows manipulation of images of objects as equivalent entities, irrespective of what that image might be (see for example column 2, lines 36-42).

In regards to **claim 46**, Burke discloses a method, according to claim 34, including: monitoring the nature of the goods represented by the objects, selected for foreground display; detecting the direction of change of the nature of classification of selected goods away from the current preference; and providing, to the receiver, a next batch of images whose classification is moved, from the current preference, in the detected direction (see in particular column 9, lines 53-63).

In regards to **claim 47**, Burke discloses a system for displaying images of an object, said system comprising: a receiver (see for example column 5, lines 51-53); transmission means, operative to transmit one or more images of the object to said receiver (see for example column 5, lines 21-26); means, at said receiver, to display a first image of the object, as a background perspective, on a screen for possible selection (see in particular column 5, lines 55-57); means to advance the first image of the object to a foreground perspective on said screen if the image is selected (see for example column 5, lines 53-55); and means to provide, in said receiver, at least one other selectably displayable image of a foreground perspective of the selected object (see for example column 6, lines 49-53).

In regards to **claim 48**, Burke discloses a system, according to claim 47, wherein said means to transmit one or more images of the object to said receiver includes means for sending constructable sets of parts of each image to said receiver and means for constructing each set of parts to form each image (see in particular column 6, lines 28-45).

In regards to **claim 49**, Burke discloses a system, according to claim 48, wherein said constructable set of parts of each image includes: specification for a wire frame representative of the shape of the object that the image is intended to represent; and specification for the provision on the wire frame of a textured skin representative of the appearance of the object the image is intended to represent (see in particular column 6, lines 36-44).

In regards to **claim 50**, Burke discloses a system, according to claim 49, wherein said specification for a wire frame representative of the shape of the object that the image is intended to represent includes specification of the points of a starting mesh and means successively to divide the mesh to provide a frame having the shape of the object (see for example column 8, lines 40-65).

In regards to **claim 52**, Burke discloses a system, according to claim 48, including means to display said at least one other selectably displayable image of a foreground

view of the object by viewing the constructed image from a selectable distance (see in particular column 9, lines 26-35).

In regards to **claim 53**, Burke discloses a system, according to claim 47, wherein said means for sending one or more images to said receiver includes means to provide a representation of a first photograph of the object (see for example column 3, lines 57-67).

In regards to **claim 54**, Burke discloses a system, according to claim 53, wherein said means to provide, in said receiver, at least one other selectably displayable image of a foreground perspective of the selected object, includes means for sending, to the receiver, at least one representation of a second photograph of the object, from a different viewpoint (see for example column 3, lines 65-67; column 4, lines 1-4).

In regards to **claim 55**, Burke discloses a system, according to claim 47, wherein said object is one of a plurality of objects, images of each of the plurality of objects being moveable across a background area until selected for foreground display (see in particular column 3, lines 63-65).

In regards to **claim 58**, Burke discloses a system, according to claim 47, wherein said receiver comprises a fixed program for displaying images, said fixed program being

operative to accept, display, move and allow manipulation of all images of objects as equivalent entities, irrespective of what any particular image might be (see for example column 2, lines 36-42).

In regards to **claim 59**, Burke discloses a system, according to claim 47, including: monitoring means, operative to monitor the nature of the goods represented by the objects, selected for foreground display; trend detection means, operative to detect the direction of change of the nature of classification of goods, selected for foreground display, away from the current preference (see in particular column 6, lines 57-67); and selection means, operative to provide, to the receiver, a next batch of images whose classification is moved, from the current preference, in the detected direction (see for example column 8, lines 11-21).

In regards to **claim 62**, Burke discloses a system, according to claim 47, wherein said transmission means comprises a digital transmission device and wherein said receiver comprises a receiver of digitally conveyed images (see for example column 36-44).

In regards to **claim 63**, Burke discloses reception means, operative to act as said receiver in a system as claimed in claim 47 (see in particular column 5, lines 51-53).

In regards to **claim 64**, Burke discloses reception means, operative to act as said receiver when used in conjunction with a method as claimed in claim 34 (see in particular column 5, lines 51-53).

In regards to **claim 65**, Burke discloses transmission means, for use in transmitting images in a system as claimed in claim 47 (see for example column 5, lines 28-30).

In regards to **claim 66**, Burke discloses transmission means, for use in sending images in conjunction with a method as claimed in claim 34 (see for example column 5, lines 28-30).

In regards to **claim 67**, Burke discloses a method for displaying images of an object, said method including: sending one or more images of the object to a receiver; displaying a first image of the object on a screen, at said receiver, for possible selection, as a background perspective (see in particular column 5, lines 28-30); advancing the first image of the object to a foreground perspective on said screen if the image is selected (see in particular column 6, lines 49-53); and providing, in the receiver, at least one other selectably displayable image of a foreground perspective of the selected object (see for example column 10, lines 36-41); wherein said sending one or more images to a receiver includes sending constructable sets of parts of each image to said receiver and constructing each set of parts to form each image (see in particular column

2, lines 56-59); and said constructable set of parts of each image includes: specification for a wire frame representative of the shape of the object that the image is intended to represent; and specification for the provision on the wire frame of a textured skin representative of the appearance of the object the image is intended to represent (see in particular column 6, lines 36-44).

In regards to **claim 68**, Burke discloses a method for displaying images of an object, said method including: sending one or more images of the object to a receiver; displaying a first image of the object on a screen, at said receiver, for possible selection, as a background perspective (see in particular column 5, lines 28-30); advancing the first image of the object to a foreground perspective on said screen if the image is selected; and providing, in the receiver, at least one other selectably displayable image of a foreground perspective of the selected object (see in particular column 6, lines 49-53); wherein said sending one or more images to a receiver includes sending constructable sets of parts of each image to said receiver and constructing each set of parts to form each image (see in particular column 2, lines 56-59), and said constructable set of parts of each image includes: specification for a wire frame representative of the shape of the object that the image is intended to represent; and specification for the provision on the wire frame of a textured skin representative of the appearance of the object the image is intended to represent (see in particular column 6, lines 36-44); said specification for a wire frame representative of the shape of the object

that the image is intended to represent including specification of the points of a starting mesh and means successively to divide the mesh to provide a frame having the shape of the object (see for example column 8, lines 26-67).

In regards to **claim 69**, Burke discloses a method for displaying images of an object, said method including: sending one or more images of the object to a receiver; displaying a first image of the object on a screen, at said receiver, for possible selection, as a background perspective (see in particular column 5, lines 28-30); advancing the first image of the object to a foreground perspective on said screen if the image is selected (see in particular column 6, lines 49-53); and providing, in the receiver, at least one other selectably displayable image of a foreground perspective of the selected object; and wherein said sending one or more images to said receiver includes the provision of a representation of a first photograph of the object, and said providing, in the receiver, at least one other selectably displayable image of a foreground view of the object, includes sending, to the receiver, at least one representation of a second photograph of the object, from a different viewpoint (see in particular column 3, lines 63-67; column 4, lines 1-4).

In regards to **claim 70**, Burke discloses a method for displaying images of an object, said method including: sending one or more images of the object to a receiver; displaying a first image of the object on a screen, at said receiver, for possible selection,

as a background perspective (see in particular column 5, lines 28-30); advancing the first image of the object to a foreground perspective on said screen if the image is selected (see in particular column 6, lines 49-53); and providing, in the receiver, at least one other selectably displayable image of a foreground perspective of the selected object (see in particular column 3, lines 65-67; column 4, lines 1-4); and wherein said sending one or more images to said receiver includes the provision of a digital image of the object, and said providing, in the receiver, at least one other selectably displayable image of a foreground view of the object, includes sending, to the receiver, at least a second digital image of the object, from a different viewpoint (see for example column 4, lines 36-44).

In regards to **claim 75**, Burke discloses a system for displaying images of an object, said system comprising: a receiver (see for example column 5, lines 51-53); transmission means, operative to transmit one or more images of the object to said receiver (see for example column 5, lines 21-26); means, at said receiver, to display a first image of the object, as a background perspective, on a screen for possible selection (see in particular column 5, lines 28-30); means to advance the first image of the object to a foreground perspective on said screen if the image is selected (see in particular column 6, lines 49-53); and means to provide, in said receiver, at least one other selectably displayable image of a foreground perspective of the selected object (see in particular column 3, lines 63-67; column 4, lines 1-4); wherein said means to

transmit one or more images of the object to said receiver includes means for sending constructable sets of parts of each image to said receiver and means for constructing each set of parts to form each image (see in particular column 2, lines 56-59), and said constructable set of parts of each image includes: specification for a wire frame representative of the shape of the object that the image is intended to represent; and specification for the provision on the wire frame of a textured skin representative of the appearance of the object the image is intended to represent (see in particular column 6, lines 36-44); said specification for a wire frame representative of the shape of the object that the image is intended to represent including specification of the points of a starting mesh and means successively to divide the mesh to provide a frame having the shape of the object (see for example column 8, lines 26-67).

In regards to **claim 76**, Burke discloses a system for displaying images of an object, said system comprising: receiver (see for example column 5, lines 51-53); transmission means, operative to transmit one or more images of the object to said receiver (see for example column 5, lines 21-26); means, at said receiver, to display a first image of the object, as a background perspective, on a screen for possible selection (see in particular column 5, lines 28-30); means to advance the first image of the object to a foreground perspective on said screen if the image is selected; means to provide, in said receiver, at least one other selectably displayable image of a foreground perspective of the selected object; and wherein said means for sending one or more

images to said receiver includes means to provide a representation of a first photograph of the object, and said means to provide, in said receiver, at least one other selectably displayable image of a foreground perspective of the selected object, includes means for sending, to the receiver, at least one representation of a second photograph of the object, from a different viewpoint (see in particular column 3, lines 63-67; column 4, lines 1-4).

In regards to **claim 79**, Burke discloses a system for displaying images of an object, said system comprising: a receiver (see for example column 5, lines 51-53); a transmission system, operative to transmit one or more images of the object to said receiver (see for example column 5, lines 21-26); a display module, at said receiver, to display a first image of the object, as a background perspective, on a screen for possible selection (see for example, column 5, lines 55-57); a controller arranged to advance the first image of the object to a foreground perspective on said screen if the image is selected (see in particular, column 5, lines 53-55); and an image provider arranged to provide, in said receiver, at least one other selectably displayable image of a foreground perspective of the selected object (see for example, column 5, lines 28-35).

7. Claims 71-74, 77, 78, 80, and 81are rejected under 35 U.S.C. 102(b) as being anticipated by Kerret (International Publication No WO01/69364).

In regards to **claim 71**, Kerret discloses a method for displaying images of an object, said method including: sending one or more image of the object to a receiver (see in particular page 6, lines 1-3); displaying a first image of the object on a screen, at said receiver, for possible selection, as a background perspective; advancing the first image of the object to a foreground perspective on said screen if the image is selected (see in particular page 6, lines 27-33); and providing, in the receiver, at least one other selectably displayable image of a foreground perspective of the selected object; wherein said sending one or more images to a receiver includes sending constructable sets of parts of each image to said receiver and constructing each set of parts to form each image, and said constructable set of parts of each image includes: specification for a wire frame representative of the shape of the object that the image is intended to represent; and specification for the provision on the wire frame of a textured skin representative of the appearance of the object the image is intended to represent (see for example page 18, lines 6-9); said receiver comprising a mobile telecommunications device (see for example page 6, lines 27-32).

In regards to **claim 72**, Kerret discloses a method for displaying images of an object, said method including: sending one or more images of the object to a receiver (see in

particular page 6, lines 1-3); displaying a first image of the object on a screen, at said receiver, for possible selection, as a background perspective; advancing the first image of the object to a foreground perspective on said screen if the image is selected; and providing, in the receiver, at least one other selectably displayable image of a foreground perspective of the selected object (see in particular page 6, lines 27-33); wherein said sending one or more images to a receiver includes sending constructable sets of parts of each image to said receiver and constructing each set of parts to form each image, and said constructable set of parts of each image includes: specification for a wire frame representative of the shape of the object that the image is intended to represent; and specification for the provision on the wire frame of a textured skin representative of the appearance of the object the image is intended to represent; said specification for a wire frame representative of the shape of the object that the image is intended to represent including specification of the points of a starting mesh and means successively to divide the mesh to provide a frame having the shape of the object (see for example page 18, lines 6-9); and said receiver comprising a mobile telecommunications device (see for example page 6, lines 27-32).

In regards to **claim 73**, Kerret discloses a method for displaying images of an object, said method including: sending one or more images of the object to a receiver (see in particular page 6, lines 1-3); displaying a first image of the object on a screen, at said receiver, for possible selection, as a background perspective (see in particular page 6,

lines 27-33); advancing the first image of the object to a foreground perspective on said screen if the image is selected; and providing, in the receiver, at least one other selectably displayable image of a foreground perspective of the selected object; wherein said sending one or more images to said receiver includes the provision of a representation of a first photograph of the object, and said providing, in the receiver, at least one other selectably displayable image of a foreground view of the object (see in particular page 14, lines 25-32), includes sending, to the receiver, at least one representation of a second photograph of the object, from a different viewpoint (see for example page 25, lines 10-16); said receiver comprising a mobile telecommunications device (see for example page 6, lines 27-32).

In regards to **claim 74**, Kerret discloses a method for displaying images of an object, said method including: sending one or more images of the object to a receiver (see in particular page 6, lines 1-3); displaying a first image of the object on a screen, at said receiver, for possible selection, as a background perspective (see in particular page 6, lines 27-33); advancing the first image of the object to a foreground perspective on said screen if the image is selected; and providing, in the receiver, at least one other selectably displayable image of a foreground perspective of the selected object (see in particular page 14, lines 25-32); wherein said sending one or more images to said receiver includes the provision of a digital image of the object (see for example page 16, lines 6-7), and said providing, in the receiver, at least one other selectably displayable

image of a foreground view of the object, includes sending, to the receiver, at least a second digital image of the object (see in particular, page 15, lines 4-24), from a different viewpoint; said receiver comprising a mobile telecommunications device (see for example page 6, lines 27-32).

In regards to **claim 77**, Kerret discloses a system for displaying images of an object, said system comprising: a receiver (see for example page 6, lines 27-32); transmission means, operative to transmit one or more images of the object to said receiver; means, at said receiver, to display a first image of the object, as a background perspective, on a screen for possible selection (see in particular page 6, lines 21-26); means to advance the first image of the object to a foreground perspective on said screen if the image is selected (see in particular page 14, lines 8-15); and means to provide, in said receiver, at least one other selectably displayable image of a foreground perspective of the selected object; wherein said means to transmit one or more images of the object to said receiver includes means for sending constructable sets of parts of each image to said receiver and means for constructing each set of parts to form each image, and said constructable set of parts of each image includes: specification for a wire frame representative of the shape of the object that the image is intended to represent; and specification for the provision on the wire frame of a textured skin representative of the appearance of the object the image is intended to represent; said specification for a wire frame representative of the shape of the object that the image is intended to represent

including specification of the points of a starting mesh and means successively to divide the mesh to provide a frame having the shape of the object (see for example, page 16, lines 6-9); and said transmission means comprising a mobile telecommunications device system and said receiver comprising a mobile telecommunications device (see for example page 6, lines 27-32).

In regards to **claim 78**, Kerret discloses a system for displaying images of an object, said system comprising: a receiver (see for example page 6, lines 27-32); transmission means, operative to transmit one or more images of the object to said receiver; means, at said receiver, to display a first image of the object, as a background perspective, on a screen for possible selection (see in particular page 6, lines 21-26); means to advance the first image of the object to a foreground perspective on said screen if the image is selected (see in particular page 14, lines 8-15); and means to provide, in said receiver, at least one other selectably displayable image of a foreground perspective of the selected object; wherein said means for sending one or more images to said receiver includes means to provide a representation of a first photograph of the object, and said means to provide, in said receiver, at least one other selectably displayable image of a foreground perspective of the selected object, includes means for sending, to the receiver, at least one representation of a second photograph of the object, from a different viewpoint (see for example page 15, lines 10-24); said transmission means

comprising a mobile telecommunications device system and said receiver comprising a mobile telecommunications device (see for example page 6, lines 27-32).

In regards to **claim 80**, Kerret discloses a method for displaying images of an object, said method including: sending one or more images of the object to a receiver (see in particular page 6, lines 1-3); displaying a first image of the object on a screen, at said receiver, for possible selection, as a background perspective (see in particular page 6, lines 27-33); advancing the first image of the object to a foreground perspective on said screen if the image is selected (see in particular page 14, lines 25-32); providing, in the receiver, at least one other selectably displayable image of a foreground perspective of the selected object (see for example, page 13, lines 8-11); and wherein said receiver comprises a mobile telecommunications device (see for example page 6, lines 27-32).

In regards to **claim 81**, Kerret discloses a system for displaying images of an object, said system comprising: a receiver (see for example page 6, lines 27-32); transmission means, operative to transmit one or more images of the object to said receiver (see in particular page 6, lines 1-3); means, at said receiver, to display a first image of the object, as a background perspective, on a screen for possible selection ((see in particular page 6, lines 21-26); means to advance the first image of the object to a foreground perspective on said screen if the image is selected (see in particular, page 14, lines 8-15); means to provide, in said receiver, at least one other selectably

displayable image of a foreground perspective of the selected object (see for example, page 14, lines 16-18); and wherein said transmission means comprises a mobile telecommunications device system and said receiver comprises a mobile telecommunications device (see for example page 6, lines 27-32).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 43, 44, 56, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke (US Patent No 6,304,855).

Regarding claim 43, Burke discloses a method, according to claim 34, wherein said advancing the first image of an object to foreground display includes: increasing the size

of the first image, but does not explicitly disclose a method, according to claim 34, where increasing the size of the first image causes the first image to obscure any image which it overlaps and which is still in the background.
However, based on the broadest interpretation of the claim as written, “causing the first image to obscure any image which it overlaps and which is still in the background " would be an obvious variant of the aforementioned invention as disclosed by Burke as interpreted by someone of ordinary skill in the art at the time of the invention.

Regarding claim 44, Burke discloses a method, according to claim 34, wherein said displaying at least one other selectably displayable image of a foreground perspective of the selected object includes: substituting said second image for said first image; increasing the size of said second image, but does not explicitly disclose a method according to claim 34, wherein displaying at least one other selectably displayable image of a foreground perspective includes causing said second image to obscure any image which it overlaps and which is still in the background.
However, based on the broadest interpretation of the claim as written, “causing said second image to obscure any image which it overlaps and which is still in the background " would be an obvious variant of the aforementioned invention as disclosed by Burke as interpreted by someone of ordinary skill in the art at the time of the invention.

Regarding claim 56, Burke discloses a system, according to claim 47, wherein said means to advance the first image of the object to a foreground perspective on said screen if the image is selected comprises: means to increasing the size of the first image, but does not explicitly disclose a system according to claim 47, wherein means to advance the first image to a foreground perspective includes means to cause the first image to obscure any image which it overlaps and which is still in the background. However, based on the broadest interpretation of the claim as written, “means to cause the first image to obscure any image which it overlaps and which is still in the background " would be an obvious variant of the aforementioned invention as disclosed by Burke as interpreted by someone of ordinary skill in the art at the time of the invention.

Regarding claim 57, Burke discloses a system, according to claim 47, wherein said means to provide, in said receiver, at least one other selectably displayable image of a foreground perspective of the selected object comprises: means to substitute said second image for said first image; and means to increase the size of said second image, but does not explicitly disclose a system according to claim 47, wherein said means to provide at least one other selectably displayable image of a foreground perspective of the selected object comprises means to cause said second image to obscure any image which it overlaps and which is still in the background.

However, based on the broadest interpretation of the claim as written, “means to cause said second image to obscure any image which it overlaps and which is still in the background " would be an obvious variant of the aforementioned invention as disclosed by Burke as interpreted by someone of ordinary skill in the art at the time of the invention.

9. Claims 51, 60, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke (US Patent No 6,304,855) as applied to claim 47 above, under 35 U.S.C. 102(b), in view of Kerret (International Publication No WO01/69364).

In regards to claim 51, Burke discloses a system, according to claim 48, including means to display said at least one other selectably displayable image of a foreground view of the object, but does not explicitly disclose a system, according to claim 48, including means of viewing the constructed image from a selectable direction. However, Kerret, does teach a system, according to claim 48, which includes means to display at least one other selectably displayable image of a foreground view of the object by viewing the constructed image from a selectable direction (see in particular page 14, lines 25-32).
Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to include means to display at least one other selectably displayable

image of a foreground view of the object, as disclosed by Burke, by viewing the constructed image from a selectable direction as taught by Kerret, because the user would be able to view the item of interest from all sides and angles, enabling them to make a more informed decision regarding the item

In regards to claim 60, Burke discloses a system, according to claim 47, but does not explicitly disclose a system according to claim 47, wherein said transmission means comprises a mobile telephone system and wherein said receiver comprises a mobile telephone handset or a Personal Digital Assistant.
However, Kerret also teaches a system according to claim 47, which does include a system according to claim 47, wherein said transmission means comprises a mobile telephone system and wherein said receiver comprises a mobile telephone handset or a Personal Digital Assistant (see in particular page 6, lines 27-32).
Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize a system as disclosed by Burke, wherein transmission means comprise a mobile telephone handset or Personal Digital Assistant as taught by Kerret, because it would enable portability of the invention, therefore increasing the ability of users to access the network from any location.

In regards to claim 61, Burke discloses a system; according to claim 47, but does not explicitly disclose a system, wherein said transmission means comprises an Internet transmission device and wherein said receiver comprises a receiver of Internet images. However, Kerret also teaches a system, according to claim 47, wherein said transmission means comprises an Internet transmission device (see in particular page 6, lines 10-17) and wherein said receiver comprises a receiver of Internet images (see for example page 6, lines 1-3).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to implement a system as disclosed by Burke, wherein said transmission means comprises an Internet transmission device and wherein said receiver comprises a receiver of Internet images as taught by Kerret, because implementing internet transmissions will enable users to access the system wirelessly, further increasing their ability to access from a larger variety of locations.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TALIA CRAWLEY whose telephone number is

(571)270-5397. The examiner can normally be reached on Monday to Thursday eight to five.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on 571-272-6787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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